

TAHQUAN NIPPER,)
)
 Plaintiff,)
)
 v.) **1:09CV418**
)
 WELLS FARGO BANK, N.A.,)
)
 Defendant.)

On review of the file, **IT IS ORDERED** that Plaintiff's First Amended Complaint replaces, by operation of law under Fed. R. Civ. P. 15(a), the original complaint in this action. The First Amended Complaint shall be deemed filed this date, October 16, 2009, and Defendant Wells Fargo Bank, N.A. shall have until October 29, 2009, to respond to the Complaint. Plaintiff must serve the First Amended Complaint on the newly-added Defendants. The motion to dismiss filed by Wells Fargo (Docket No. 8) is moot as a result of the amended complaint.

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Charles Schreiner Bank, 894 F.2d 127 (5th Cir. 1990). Further, Plaintiff has not met the high showing necessary to obtain a preliminary injunction. *See generally In re Microsoft Corp. Antitrust Litig.*, 333 F.3d 517, 524-26 (4th Cir. 2003).

/s/ P. Trevor Sharp
United States Magistrate Judge

Date: October 16, 2009